

2013 DRAFTING REQUEST

Bill

Received:	1/14/2014	Received By:	emueller
Wanted:	As time permits	Same as LRB:	-4300
For:	Legislative Council - LRC	By/Representing:	Mike Queensland
May Contact:		Drafter:	emueller
Subject:	Transportation - highways	Addl. Drafters:	
		Extra Copies:	ARG

Submit via email: **YES**
 Requester's email: **Michael.Queensland@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

County aid for town bridge construction

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 1/22/2014			_____			
/P1	emueller 2/18/2014	scalvin 1/22/2014	rschluet 1/22/2014	_____	mbarman 1/22/2014		Local
/1		scalvin 2/18/2014	rschluet 2/19/2014	_____	lparisi 2/19/2014	mbarman 2/19/2014	Local

FE Sent For:

<END>

→ At
Intro.

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/1	evm 2/18/14	/1 SAC 02/18/2014	/1 SAC 02/18/2014				

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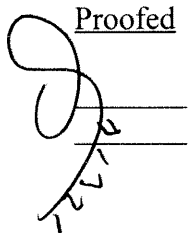
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/?	emueller						
/P1	EVN 1/22/14	/P1 SAC 01/22/2014	/P1 SAC 01/22/2014				
FE Sent For:							

<END>

Mueller, Eric

From: Queensland, Michael
Sent: Tuesday, January 14, 2014 9:06 AM
To: Mueller, Eric
Subject: Law Revision Committee: drafting request

Hi Eric,

I would like to request a P/draft on behalf of the Law Revision Committee. The committee would like to see a draft of the holding in *Town of Madison v. County of Dane*, 2008 WI 83.

This case concerns a dispute that began when Dane County rejected the Town of Madison's "bridge aid" petition as not meeting the statutory criteria for reimbursement. The applicable statute was what is currently s. 82.08 (1), Stats., which provides that a town that has voted to construct or repair any bridge or culvert "on a highway maintained by the town" may file a petition for county aid with the county highway commissioner.

The Court held the following:

We conclude that the bridge at issue in this case was not a "bridge on a highway maintainable by the town" within the meaning of Wis. Stat. § 81.38 because the bridge aid petition did not request funding to help connect the bridge to a highway maintainable by the town or for the frontage road extension project in its entirety, because there was no existing highway extending to the planned bridge site at the time of the Town's petition, and because the bridge was still not connected to a highway maintainable by the Town upon completion. **Section 81.38 requires funding for only those bridges built on highways in existence at the time of a bridge's construction.** As such, the County appropriately denied funding for the bridge under § 81.38.

[*Town of Madison v. County of Dane*, 2008 WI 83, ¶ 42.] [Emphasis added.]

Would it be possible to have a draft in the next week?

Let me know if you have any questions about this request.

Thanks,

Mike

Mike Queensland
Wisconsin Legislative Council
(608) 266-3810
michael.queensland@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3972/P1
EVM:.....

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

1/22/14

Today

gen

1 AN ACT ...; relating to: county aid for town bridges and culverts.

Analysis by the Legislative Reference Bureau

* Under current law, a town that has voted to construct or repair a bridge or culvert on a highway maintained by the town may petition the county in which the town is located for shared funding of the project. With certain exceptions, upon an adequate petition, the county must pay one-half of the cost of construction or repair. The Wisconsin Supreme Court in *Town of Madison v. County of Dane*, 311 Wis.2d 402 (2008), determined that this requirement applies only to "highways in existence at the time of a bridge's construction." Under this holding, counties are required to share costs only for bridges or culverts that are either located on a town highway that is currently in existence or will be connected to a town highway by the completion of the construction. This bill clarifies the language of the statute to confirm the holding of the Wisconsin Supreme Court.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is introduced by the Law Revision Committee under s. 13.83 (1) (c) 1. and 5., stats., as a result of the Legislative Reference Bureau's case and opinion review under s. 13.92 (2) (j), stats. After careful

consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 82.08 (1) of the statutes is amended to read:

2 82.08 (1) PETITIONS. A town that has voted to construct or repair any bridge or
3 culvert that is on ~~a~~^A, or that after the construction will be connected to, an existing
4 highway maintained by the town may file a petition for county aid with the county
5 highway commissioner. The petition shall describe the location and size of the bridge
6 or culvert and shall contain a statement that the town has provided the funds
7 required by sub. (3).

8 **History:** 1977 c. 190; 1981 c. 296; 1983 a. 192 s. 303 (2); 1983 a. 532; 2003 a. 214 ss. 140 to 145, 147, 159; Stats. 2003 s. 82.08.

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3972/P1

EVM:sac:11

stay 5

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

No
Changes

2/18/14

gan cat

Soon

- 1 AN ACT *to amend* 82.08 (1) of the statutes; **relating to:** county aid for town
- 2 bridges and culverts.

Analysis by the Legislative Reference Bureau

Under current law, a town that has voted to construct or repair a bridge or culvert on a highway maintained by the town may petition the county in which the town is located for shared funding of the project. With certain exceptions, upon an adequate petition, the county must pay one-half of the cost of construction or repair. The Wisconsin Supreme Court in *Town of Madison v. County of Dane*, 311 Wis. 2d 402 (2008), determined that this requirement applies only to "highways in existence at the time of a bridge's construction." Under this holding, counties are required to share costs only for bridges or culverts that are either located on a town highway that is currently in existence or will be connected to a town highway by the completion of the construction. This bill clarifies the language of the statute to confirm the holding of the Wisconsin Supreme Court.

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(END)

Barman, Mike

From: Queensland, Michael
Sent: Wednesday, February 19, 2014 9:01 AM
To: LRB.Legal
Subject: Draft Review: LRB -3972/1 Topic: County aid for town bridge construction

Please Jacket LRB -3972/1 for the ASSEMBLY.